

House Amendment 8371

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1 1 Amend Senate File 34, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 2, by striking lines 10 through 18 and
1 4 inserting the following:
1 5 <Sec. _____. Section 321.446, Code 2007, is amended
1 6 to read as follows:
1 7 321.446 CHILD RESTRAINT DEVICES.
1 8 1. a. A child under one year of age and weighing
1 9 less than twenty pounds who is being transported in a
1 10 motor vehicle subject to registration, except a school
1 11 bus or motorcycle, shall be secured during transit in
1 12 a rear-facing child restraint system that is used in
1 13 accordance with the manufacturer's instructions.
1 14 b. A child under six years of age who does not
1 15 meet the description in paragraph "a" and who is being
1 16 transported in a motor vehicle subject to
1 17 registration, except a school bus or motorcycle, shall
1 18 be secured during transit by a child restraint system
1 19 that is used in accordance with the manufacturer's
1 20 instructions.
1 21 2. A child at least six years of age but under
1 22 ~~eleven~~ eighteen years of age who is being transported
1 23 in a motor vehicle subject to registration, except a
1 24 school bus or motorcycle, shall be secured during
1 25 transit by a child restraint system that is used in
1 26 accordance with the manufacturer's instructions or by
1 27 a safety belt or safety harness of a type approved
1 28 under section 321.445.
1 29 2A. A person who transports children in a motor
1 30 vehicle and who is not in compliance with the
1 31 requirements of subsection 1 or 2 is not in violation
1 32 of this section if the failure to secure one or more
1 33 of the children is because the number of children
1 34 being transported exceeds the number of passenger
1 35 securing locations suitable for securing a child
1 36 either in a child restraint system or by a safety belt
1 37 or safety harness, provided that all of those
1 38 locations are in use by children secured in accordance
1 39 with this section and as many of the children under
1 40 six years of age are properly secured in child
1 41 restraint systems as the vehicle is designed to
1 42 accommodate.
1 43 3. This section does not apply to peace officers
1 44 acting on official duty. This section also does not
1 45 apply to the transportation of children in 1965 model
1 46 year or older vehicles, authorized emergency vehicles,
1 47 buses, or motor homes, except when a child is
1 48 transported in a motor home's passenger seat situated
1 49 directly to the driver's right. This section does not
1 50 apply to the transportation of a child who has been
2 1 certified by a physician licensed under chapter 148,
2 2 150, or 150A as having a medical, physical, or mental
2 3 condition that prevents or makes inadvisable securing
2 4 the child in a child restraint system, safety belt, or
2 5 safety harness.
2 6 4. An operator who violates ~~subsection 1 or 2~~ this
2 7 section is guilty of a simple misdemeanor and subject
2 8 to the penalty provisions of section 805.8A,
2 9 subsection 14, paragraph "c". However, if a child is
2 10 being transported in a taxicab in a manner that is not
2 11 in compliance with ~~subsection 1 or 2~~ this section, the
2 12 parent, legal guardian, or other responsible adult
2 13 traveling with the child shall be served with a
2 14 citation for a violation of this section in lieu of
2 15 the taxicab operator.
2 16 5. A person who is first charged for a violation
2 17 of subsection 1 and who has not purchased or otherwise
2 18 acquired a child restraint system shall not be
2 19 convicted if the person produces in court, within a
2 20 reasonable time, proof that the person has purchased
2 21 or otherwise acquired a child restraint system which
2 22 meets federal motor vehicle safety standards.
2 23 6. Failure to use a child restraint system, safety
2 24 belts, or safety harnesses as required by this section

2 25 does not constitute negligence nor is the failure
2 26 admissible as evidence in a civil action.
2 27 7. For purposes of this section, the following
2 28 definitions apply:
2 29 a. ~~child~~ "Child restraint system" means a
2 30 specially designed seating system, including a
2 31 belt-positioning seat or a booster seat, that meets
2 32 federal motor vehicle safety standards set forth in 49
2 33 C.F.R. } 571.213.
2 34 b. "Passenger securing location" means any area
2 35 within the passenger compartment of a motor vehicle,
2 36 other than the driver's seat, in which the
2 37 manufacturer has installed a safety belt or safety
2 38 harness.>
2 39 #2. Title page, line 1, by striking the word
2 40 <requiring> and inserting the following: <relating
2 41 to>.
2 42 #3. By renumbering as necessary.
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2 44
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2 46 COMMITTEE ON TRANSPORTATION
2 47 HUSER of Polk, Chairperson
2 48 SF 34.701 82
2 49 dea/nh/12263